IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.176 OF 2005

Miss Tabassum Y. Modi ...Applicant
vs.
V.S.Bhosale & Ors. ...Respondents

CORAM: A.S.OKA,J.
DATE : AUGUST 9,2005

P.C.:

1. Heard learned Advocate for the Applicant and learned A.P.P. for state.

2. The challenge in this Revision Application is to the order of conviction passed by the learned C.M.M. against the Applicant under Section 135(1) (a),135(1)(b) read with section 135(1) (i) of the Customs Act, 1962. The Applicant was sentenced to undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs.30,000/-. In an Appeal preferred by the Applicant, conviction and sentence has been confirmed.

3. By order dated 15th July 2004 this Court observed that the Applicant has not surrendered after the dismissal of her Appeal. This Court observed that unless the Applicant surrenders, the Revision Application shall not be heard on merits. There is nothing on record to show that the Applicant has surrendered. Therefore, this Revision Application cannot be heard on merits.

4. However, I have examined the merits of the Revision Application with the assistance of the learned Counsel for the parties. The Courts below have considered the relevant evidence on record. There is no procedural illegality or manifest error of law in the orders of the Courts below. The evidence cannot be re-appreciated in the Revision. There is no merit in the Revision Application and the same is rejected.

JUDGE